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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2010*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6,8-13 and 15-21* is/are rejected.
7)☒ Claim(s) *7,14 and 18* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *10/18/2010*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   The objection to **Claim 17** from the previous Office Action are withdrawn based

on the amended claims.

2.   **Claims 6, 8, and 15** are objected to because of the following informalities:

Claim 6, 8, and 15 are identified as "Original" even though they were amended in the

Preliminary Amendment dated June 1, 2005. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.   **Claims 1-21** are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. Applicants amended **claims 1, 7, 9-12, 14,**

16-21 to a non-programmable games console. Applicants failed to include a citation to

and examiner is unable to find any reference within the specification to support such an

amendment. All claims depending on the amended claims are, therefore, also rejected.

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6.   **Claims 1-21** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "non-programmable" in **claims 1, 7, 9-12, 14, and 16-21** is used in a manner that appears to be inconsistent with the accepted meaning (something that is unable to be modified by external working instructions). Applicants' argue that "Marsh merely disclose data processors of a computer that are programmed by instructions stored at different times in various storage media of the computer" (Response, page 11). In amended claim 1, the console comprises "(ii) a game interface within said console housing for receiving a game product". The specification describes "game products which can be bought for the console" (Response, P1:9-11). Examiner understands the game product to be a video game that may be purchase for use with a game console. Game products are programmed to allow a game controller to generate game video data output. These game products are programmed instructions stored at different times in various storage

media of the computer. The term is indefinite because the specification does not clearly

redefine the term. Examiner is confused as to applicants' intended meaning and is

unable to provide a reasonable definition that overcomes the prior art disclosed without

invalidating applicants' amended claim language. For the purposes of this examination,

"non-programmable" is read as not easily programmed by the user of the game

console. All claims depending on the amended claims are, therefore, also rejected.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   **Claims 17 and 19-20** are rejected under 35 U.S.C. 102(e) as being anticipated

by Marsh, US 7,124,938 B1 (hereinafter Marsh).

Regarding **Claim 17 (Currently Amended)**: Marsh discloses a non-

programmable games console for use with an adaptor unit, the non-programmable

games console comprising:

- a console housing (Marsh, C1:34-55);

- a game interface within said console housing for receiving a game product (Marsh, C4:47-C5:10 and Fig. 2 [game programs are commonly stored on removable magnetic disks 160 and removable optical disks 164]);

- a display interface within said console housing for interfacing said non-programmable games console to a display (Marsh, C5:11-26 and Fig. 2 [video adapter 186]);

- a user interface within said console housing for receiving user input (Marsh, C5:11-26 and Fig. 2 [user input devices may be connected through interface 168]);

- a game controller within said console housing for receiving game data from said game interface and said user input from said user interface and for generating therefrom game video data for output to said display interface (Marsh, C5:64-C6:17 and Fig. 2 [processing unit 144]);

- an adaptor interface within said console housing for coupling the non-programmable games console with said adaptor unit (Marsh, C6:24-32 and Fig. 3 [system 220 may transmit media content to a computing device, which implies an interface by which the two communicate]); and

- a video player within said console housing for receiving encoded video data from said adaptor unit via said adaptor interface and for outputting decoded video data to said display interface (Marsh, C5:64-C6:17).

Regarding **Claim 19 (Currently Amended)**: Marsh further discloses

- a web browser within said console housing for receiving menu pages from

  a remote server via a modem in said adaptor unit, and for generating

  menu screens for output to said display interface (Marsh, C5:27-44).

Regarding **Claim 20 (Currently Amended)**: Marsh further discloses wherein the

non-programmable games console is operable to transmit and to receive game data to

and from said data network via said modem and said adaptor unit to provide network

gaming to a user thereof (Marsh, C15:57-C16:30 and Fig. 7).

Claim Rejections - 35 USC § 103

9.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

10.   **Claims 1-4, 6, 8-13, 15-16, and 21** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Marsh, US 7,124,938 B1 (hereinafter Marsh) in view of "WinTV-USB

and WinTV-USB-FM Specifications" by Hauppauge (hereinafter Hauppauge).

Regarding **Claim 1 (Currently Amended)**: Marsh discloses a games system

comprising

- a non-programmable games console and

- an adaptor unit,

- wherein the games console comprises:

- o (i) a non-programmable console housing (Marsh, C1:34-55);

- o (ii) a game interface within said console housing for receiving a

  game product (Marsh, C4:47-C5:10 and Fig. 2 [game programs are

  commonly stored on removable magnetic disks 160 and removable

  optical disks 164]);

- o (iii) a display interface within said console housing for interfacing

  said non-programmable games console to a display (Marsh, C5:11-

  26 and Fig. 2 [video adapter 186]);

- o (iv) a user interface within said console housing for receiving user

  input (Marsh, C5:11-26 and Fig. 2 [user input devices may be

  connected through interface 168]);

- o (v) a game controller within said console housing for receiving

  game data from said game interface and said user input from said

  user interface and for generating therefrom game video data for

  output to said display interface (Marsh, C5:64-C6:17 and Fig. 2

  [processing unit 144]);

- o (vi) an adaptor interface within said console housing for coupling

  the non-programmable games console with said adaptor unit

  (Marsh, C6:24-32 and Fig. 3 [system 220 may transmit media

  content to a computing device, which implies an interface by which

  the two communicate]); and

- o (vii) a video player within said console housing for receiving

  encoded video data from said adaptor unit via said adaptor

  interface and for outputting decoded video data to said display

  interface (Marsh, C5:64-C6:17);

- wherein said adaptor unit comprises:

  - o (ii) a video data receiver within said adaptor housing for receiving

    encoded video data from a remote video provider (Marsh, C7:35-49

    and Fig. 3 [coupling 244]);

  - o (iii) a games console interface within said adaptor housing for

    interfacing said adaptor unit to said adaptor interface of said non-

    programmable games console (Marsh, C17:38-45 and Fig. 3

    [interface is between content renderer module 36 and rendering

    device 294]); and

  - o (iv) a communications controller within said adaptor housing for

    outputting encoded video data to said video player of said non-

    programmable games console via said games console interface

    and said adaptor interface (Marsh, C17:46-C18:4 and Fig. 3

    [content renderer module 236]).

Marsh fails to explicitly disclose wherein said adaptor unit comprises:

- o (i) an adaptor housing.

Hauppauge teaches an adaptor unit comprising:

- o (i) an adaptor housing (Hauppauge, page 1).

Marsh teaches a content storage and rendering system that may transmit received media content to another computing device (Marsh, C6:24-32 [system 220]). Marsh provides a block diagram of system [220] without discussing the physical makeup of the device. Electronic devices almost always come in an enclosure of some kind to protect the electronic components from damaging environmental factors as well as protecting users from coming into contact with electricity and thereby preventing injury. The Hauppauge WinTV-USB is an audio-video adaptor that receives media signals from an external source and transmits the media to a computer in a format that allows the computer to render the content to users (Hauppauge, page 1). The Hauppauge WinTV-USB comes in an enclosure (Hauppauge, page 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the audio visual adaptor as disclosed by Marsh with a housing (as in **claims 1 and 11**) as taught by Hauppauge in order to protect the electrical components inside and the users for possible injury.

Regarding **Claim 2 (Original)**: Marsh further discloses wherein the adaptor unit further comprises

- encryption means for encrypting the video data to be output to said video player via said console interface (Marsh, C13:21-51 [MPEG Decoder Module 234]) and

- wherein said video player includes

      o decryption means for decrypting the video data (Marsh, C13:21-51

[rendering device 294 decrypts the content]).

Regarding **Claim 3 (Original)**: Marsh further discloses wherein said video player

includes embedded data for decrypting the encrypted video data (Marsh, C13:21-51

[MPEG Decoder Module 234 can decrypt and encrypt content]).

Regarding **Claim 4 (Original)**: Marsh further discloses wherein said adaptor unit

further comprises

- a secure processor for storing an encryption key for use by said

    encryption means for encrypting said video data (Marsh, C9:48-58

    [processor 262]).

Regarding **Claim 6 (Currently Amended)**: Marsh further discloses wherein said

secure processor is formed on a smart-card which is retractable from a smart-card

reader mounted within said adaptor housing (Marsh, C2:37-45).

Regarding **Claim 8 (Currently Amended)**: Marsh further discloses wherein said

adaptor unit further comprises

- a modem within said adaptor housing for connecting the adaptor unit to a

    data network (Marsh, C5:45-58 [a network interface 196 is used for a LAN,

    while a modem 198 is used with a WAN]).

Regarding **Claim 9 (Currently Amended)**: Marsh further discloses a system

according to claim 8, wherein said non-programmable games console further comprises

- a web browser within said console housing for receiving menu pages from

    a remote server via said modem in said adaptor unit, said console

    interface and said adaptor interface and for generating menu screens for

    output to said display interface (Marsh, C5:27-44).

Regarding **Claim 10 (Currently Amended)**: Marsh further discloses wherein

said non-programmable games console is operable to transmit and to receive game

data to and from said data network via said modem and said adaptor unit to provide

network gaming to a user thereof (Marsh, C15:57-C16:30 and Fig. 7).

Regarding **Claim 11 (Currently Amended)**: Marsh discloses an adaptor unit for

use with a non-programmable games console, the adaptor unit comprising:

- a video data receiver within the adaptor housing for receiving encoded

    video data from a remote video provider (Marsh, C7:35-49 and Fig. 3

    [coupling 244]);

- a games console interface within said adaptor housing for interfacing said

    adaptor unit to said non-programmable games console (Marsh, C17:38-45

    and Fig. 3 [interface is between content renderer module 36 and rendering

    device 294]); and

- a communications controller within said adaptor housing for outputting encoded video data to said non-programmable games console via said games console interface (Marsh, C17:46-C18:4 and Fig. 3 [content renderer module 236]);

- the non-programmable games console comprising:

    o a console housing (Marsh, C1:34-55);

    o a game interface within the console housing for receiving a game product (Marsh, C4:47-C5:10 and Fig. 2 [game programs are commonly stored on removable magnetic disks 160 and removable optical disks 164]);

    o a display interface within the console housing for interfacing the non-programmable games console to a display (Marsh, C5:11-26 and Fig. 2 [video adapter 186]);

    o a user interface within the console housing for receiving user input (Marsh, C5:11-26 and Fig. 2 [user input devices may be connected through interface 168]);

    o a game controller within the console housing for receiving game data from the game interface and user input from the user interface and for generating therefrom game video data for output to the display interface (Marsh, C5:64-C6:17 and Fig. 2 [processing unit 144]);

- o an adaptor interface within the console housing for coupling the

  non-programmable games console with the adaptor unit via the

  games console interface (Marsh, C6:24-32 and Fig. 3 [system 220

  may transmit media content to a computing device, which implies

  an interface by which the two communicate]); and

- o a video player within the console housing for receiving the encoded

  video data from the adaptor unit via the adaptor interface and for

  outputting decoded video data to the display interface (Marsh,

  C5:64-C6:17).

Marsh fails to explicitly disclose wherein said adaptor unit comprises:

- an adaptor housing.

Hauppauge teaches an adaptor unit comprising:

- an adaptor housing (Hauppauge, page 1).

Regarding **Claim 12 (Currently Amended)**: Marsh further discloses

- encryption means for encrypting the video data to be output to said non-

  programmable games console via said console interface (Marsh, C13:21-

  51 [MPEG Decoder Module 234]) and

- a secure processor within said adaptor housing for storing an encryption

  key for use by said encryption means for encrypting said video data

  (Marsh, C9:48-58 [processor 262]).

Regarding **Claim 13 (Original)**: Marsh further discloses wherein said secure

processor is retractable from said adaptor housing and is formed on a smart-card

(Marsh, C2:37-45) and wherein said adaptor housing includes

- a smart-card reader for reading the encryption key from said smart-card

    processor (Marsh, C8:29-45 [smart card reader 248]).

Regarding **Claim 15 (Currently Amended)**: Marsh further discloses

- a modem within said adaptor housing for connecting the adaptor unit to a

    data network (Marsh, C5:45-58 [a network interface 196 is used for a LAN,

    while a modem 198 is used with a WAN]).

Regarding **Claim 16 (Currently Amended)**: Marsh further discloses wherein

said adaptor unit is operable to receive game data from said non-programmable games

console and to transmit the received game data to said data network and is operable to

receive game data from said data network and to transmit the game data received from

the data network to said non-programmable games console, to provide network gaming

to a user of the non-programmable games console (Marsh, C15:57-C16:30 and Fig. 7).

Regarding **Claim 21 (Currently Amended)**: Marsh discloses a method of

providing video data for display, the method comprising the steps of:

- interfacing an adaptor unit with a non-programmable games console via a

    games console interface associated with the adaptor unit and an adaptor

interface associated with the non-programmable games console (Marsh, C6:24-32 and Fig. 3 [system 220 is connected with computing device]);

- receiving game data associated with a game product at the non-programmable games console (Marsh, C4:47-C5:10 and Fig. 2 [inserting game program stored on removable magnetic disks 160 or removable optical disks 164]);

- receiving user input at the non-programmable games console (Marsh, C5:11-26 and Fig. 2 [user enters commands and information into computer 142 through input devices]);

- receiving at said adaptor unit encoded video data from a remote video provider (Marsh, C17:4-13 and Fig. 8 [receive encrypted content 356]);

- outputting encoded video data from said adaptor unit to said non-programmable games console through said games console interface and the adaptor interface (Marsh, C16:24-30 and Fig. 7 [transfer encrypted content over network to another device 338]);

- decoding in said non-programmable games console said encoded video data to generate decoded video data (Marsh, C13:43-51 [rendering device 294 decrypts the media content]); and

- generating game video data based at least in part on the received game data and the received user input (Marsh, C3:46-67 and Fig. 1 [audio and video media must be generated before it can be distributed and rendered by a media content rendering system [102]); and

- outputting the decoded video data and the game vide data via a display
  interface associated with the non-programmable games console to a
  display (Marsh, C3:46-67 and Fig. 1 [audio and video media is distributed
  and rendered by a media content rendering system [102]).

11.   **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh, in
view of Hauppauge, and further in view of Kim et al., US 2002/0169973 A1 (hereinafter
Kim).

Regarding **Claim 5 (Original)**: Marsh, as modified, discloses the invention as
described above. Marsh, as modified, fails to explicitly disclose wherein an intermediate
decryption key is provided in said secure processor, wherein said communications
controller is operable to pass said intermediate decryption key to said video player via
said console interface and said adaptor interface and wherein said decryption means of
said video player is operable to decrypt said video data using said embedded data and
said intermediate decryption key.

Kim teaches wherein an intermediate decryption key is provided in said secure
processor, wherein said communications controller is operable to pass said
intermediate decryption key to said video player via said console interface and said
adaptor interface and wherein said decryption means of said video player is operable to
decrypt said video data using said embedded data and said intermediate decryption key
(Kim, ¶13).

Marsh discloses a content storage and rendering system that may transmit

encrypted media content to another computing device (Marsh, C6:24-32 [system 220]).

Marsh discloses the use of a public and private keys, but fails to disclose the use of an

intermediate key which is passed to the video player (Marsh, C9:32-42). There are two

main classes of cryptographic systems: symmetric key and public key cryptographic

systems (Kim, ¶5). Kim teaches a hybrid cryptographic system that generates an

intermediate key and passes it to a playing device (Kim, ¶13). The processes of

obtaining original data in a hybrid cryptographic system are usually faster than those of

the public/private key cryptographic system (Kim, ¶8).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to substitute the public/private key cryptographic system as disclosed by

Marsh with the hybrid cryptographic system using an intermediate key as taught by Kim

in order to increase the speed of encrypting and decrypting data.

Allowable Subject Matter

12.   **Claims 7, 14, and 18** are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Response to Arguments

13.   Applicant's arguments filed October 15, 2010 have been fully considered but they

are not persuasive.

Applicants appear to argue that Marsh fails to disclose a game controller within said console housing for receiving game data from said game interface a and said user input from said user interface and for generating therefrom game video data for output to said display interface. The game controller loads game data (i.e., a game program) from the game interface (i.e., a magnetic disc drive or optical disc drive receives magnetic discs or optical discs with game programs loaded thereon). When the game program is run, users interact with the game program via user interfaces (i.e., user input devices). Applicant states that "the cited portions of Marsh simply disclose a basic computer with sub-components that may be programmed for certain functions" (Response, pages 12-13, paragraph spanning pages). Examiner is unclear how the computer described by Marsh differs from applicants' game console. A game console without a game product is "a basic computer with sub-components that may be programmed for certain functions."

As stated above, applicants' "non-programmable" game console appears to be programmed with the program on the game product. Examiner is baffled as to the meaning of the term "non-programmable".

Conclusion

14.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to WERNER GARNER whose telephone number is (571)
270-7147. The examiner can normally be reached on M-F 7:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, David Lewis can be reached on (571) 272-7673. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. G./
Examiner, Art Unit 3714

/David L Lewis/
Supervisory Patent Examiner, Art Unit 3714